

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE CRIMINAL MINUTES

**FILED**  
DISTRICT COURT OF GUAM

AUG - 1 2005 *X*

CASE NO. MG-05-00017-002

DATE: 08/01/2005

MARY L.M. MORAN  
CLERK OF COURT

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith Hattori

Court Reporter: Wanda M. Miles

Courtroom Deputy: Virginia T. Kilgore

Hearing Electronically Recorded: 1:43:27 - 1:58:37

CSO: J. McDonald

TIME: 1:43 p.m.

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: JOHN A.B. ATOIGUE

ATTY : MARK SMITH

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT:

U.S. PROBATION: JUDY OCAMPO

U.S. MARSHAL: S. LUJAN

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PROCEEDINGS: CHANGE OF PLEA

- ( ) COMPLAINT READ TO DEFENDANT  
(X) DEFENDANT SWORN AND EXAMINED: AGE: 30 HIGH SCHOOL COMPLETED: HIGH SCHOOL  
(X) DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES  
( ) GOV'T SUMMARIZES THE EVIDENCE ( ) GOV'T SUBMITS TO THE PLEA AGREEMENT  
(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA  
( ) DEFENDANT WAIVES READING OF ( ) COMPLAINT ( ) INFORMATION ( ) INDICTMENT  
(X) PLEA ENTERED: (X) GUILTY ( ) NOT GUILTY - TO: COUNT 1 - UNLAWFUL TAKING OF WILDLIFE  
( ) COUNT(S) \_\_\_\_\_ DISMISSED ON GOVERNMENT'S MOTION  
(X) PLEA AGREEMENT FILED: JULY 8, 2005 PLEA: (X) ACCEPTED ( ) REJECTED  
( ) COURT ORDERS PLEA AGREEMENT SEALED  
( ) COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: \_\_\_\_\_ FOR RECOMMENDATION.  
(X) SENTENCING DATE: OCTOBER 31, 2005 at 11:00 A.M. ( ) STATUS HEARING: \_\_\_\_\_ at \_\_\_\_\_  
(X) PRESENTENCE REPORT ORDERED AND DUE: SEPTEMBER 26, 2005  
( ) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)  
( ) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR ( ) PROCESSING ( ) DETENTION  
( ) DETENTION HEARING REQUESTED BY GOV'T DEFT IS SET FOR: \_\_\_\_\_ at \_\_\_\_\_  
(X) DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

Pen and ink changes made to the plea agreement: 1) Page 1, line 19 after the word "guilty plea" insert "Count 1 of"; 2) Page 1, line 20 delete the words "Count 1 of the Information"; 3) Page 1, line 26 and line 27 replace " \$25" to read "\$10"; 4) Page 2, line 6, paragraph 3, delete from the word Entering" to the number "13" and insert "Unlawful Taking of Wildlife, As an Assimilative Crime in violation of 5 Guam Code Annotated, Sections 63121 and 63125, and United States Code Sections, 7(3) and 13", 5) Page 2, paragraph 4, line 15 insert the words "do not" after the word "Guidelines"; 6) Page 3, line 2 delete the word "Guidelines"; 7) Page 1, line 27 insert sentence on Page "do not" and 8) Page 1, line 27 insert after the word "sentencing" "Additionally, any sentence imposed may include a term of supervised release of not more than one (1) year in addition to such terms of imprisonment. Furthermore, if the Defendant violates a condition of his supervised release and the Court decides to revoke his term of supervised release, the Defendant also faces up to an additional one (1) year of imprisonment."